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BENOIT, ESTHER				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/781,170

Applicant(s)

CORNETT ET AL.

Examiner

ESTHER BENOIT

Art Unit

2453

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-8, 10-24 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8, 10-24, and 26-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendments

1. This Action is in response to an Amendment filed on November 2, 2010. Claims 1, and 27-29 have been amended. Claims 9 and 25 have been cancelled. Claims 1-3, 5-8, 10-24, and 26-29 are pending in this application.

Response to Arguments

2. Applicant's arguments filed 11/2/10 have been fully considered but they are not persuasive. The applicants are arguing in substance the following:

Arguments to Claim 1:

a) The prior art reference- Peck, does not teach "automatically enforcing, via a wizard at the information device, user compliance with a plurality of predetermined steps for a computer-assisted configuration of the network interface device, the computer-assisted configuration relating to an OSI transport layer or above".

b) The prior art reference- Peck, does not teach "any description or suggestion of what protocol they are using to exchange information".

c) The prior art reference- Peck, does not teach "logical position of the network interface device relative to the programmable logic controller"

Response to arguments of Claim 1:

As to point a: The argument has been considered but is not persuasive. In Figure 1 and [0084], Peck uses an Internet network connection to perform configuration of a PLC device. The statement "The computer-assisted configuration relating to an OSI transport layer or above" is misleading in the sense that it is unclear if the applicants are disclosing the computer-assisted configuration uses an OSI transport layer or above or if the computer-assisted configuration is an OSI transport layer or above. The preceding method is disclosed of using an OSI transport layer or above is disclosed with the use of the Internet connection that is well known to use TCP/IP.

As to point b: The argument has been considered but is not persuasive. This feature is not described or stated in the claim limitations and therefore will not be addressed.

As to point c: The argument has been considered but is not persuasive. In paragraph [0157], Peck discloses configuration of a measurement device by using the IP address of the measurement device, wherein the measurement device may be a programmable logic device [0006].

As to any claims not specifically discussed, the applicants argued that it was patentable for one of the reasons discussed above. Please see response to above arguments for unspecified discussions.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-3, 7-8, 11-13, and 27-29 are rejected under 35 U.S.C. 102(a) as being anticipated by Peck et al. (US 2003/0036875 A1).

With respect to claim 1, Peck discloses a method for configuring a network interface device from an information device communicating with the network interface device via a network ([0156]-[0157], *measurement device configuration using client computer system*), the network interface device adaptable to connect a programmable logic controller to a network ([0135]):

- automatically enforcing, via a wizard at the information device, user compliance with a plurality of predetermined steps for a computer-assisted configuration of the network interface device, the computer-assisted configuration relating to an OSI transport layer or above ([0165]-[0167], *measurement task wizard for configuring measurement device from a client computer system*)
- providing at least one setting to the network interface device from the information device via the network ([0166])

- receiving a setting of a logical position of the network interface device relative to the programmable logic controller ([0157], *using IP address for registering to remote devices*).

With respect to claim 2, Peck discloses requesting, from a user, the at least one setting for the network interface device ([0166])

With respect to claim 3, Peck discloses receiving the at least one setting for the network interface device ([0166])

With respect to claim 7, Peck discloses determining the at least one setting for the network interface device ([0166])

With respect to claim 8, Peck discloses configuring the network interface device with the at least one setting ([0166])

With respect to claim 11, Peck discloses verifying the at least one setting for the network interface device ([0166])

With respect to claim 12, Peck discloses wherein the network interface device is adaptable to communicatively couple the programmable logic controller to an Ethernet network ([0112])

With respect to claim 13, Peck discloses wherein the network interface device is adaptable to communicatively couple the programmable logic controller to the Internet ([0135])

With respect to claims 27-29, the limitations of claims 27-29 are similar to the limitations of claim 1. Therefore, the claims are rejected for the same reasons as claim 1 above. Please see rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peck et al. (US 2003/0036875 A1), in view of Mattson et al. (5,983,269).

With respect to claim 5, Peck does not explicitly disclose receiving a count of network connections for the network interface device

However, Mattson discloses receiving a count of network connections for the network interface device (Figure 8)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Peck with the teachings of Mattson to provide a count of network connections, *because* it will allow for topological information regarding the network and the device to be obtained.

With respect to claim 6, Peck does not explicitly disclose receiving a type for at least one network connection to the network interface device

However, Mattson discloses receiving a type for at least one network connection to the network interface device (Figure 8)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Peck with the teachings of Mattson to provide a type of network connections, *because* it will allow for topological information regarding the network and the device to be obtained.

With respect to claim 10, Peck does not explicitly disclose receiving a Q-address used by an input/output module attached to the programmable logic controller, the input/output module further couplable to the network interface device.

However, Mattson discloses receiving a Q-address used by an input/output module attached to the programmable logic controller, the input/output module further couplable to the network interface device (Col. 2, lines 51-62, *element addresses*)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Peck with the teachings of Mattson to receive addresses regarding an input/output module, *because* it will allow for topological information to be obtained.

7. Claims 14-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peck et al. (US 2003/0036875 A1), in view of Gauthier et al. (US 6,502,234 B1).

With respect to claims 14-25, Peck does not explicitly disclose the predetermined steps are adaptable for the functions listed.

However, the word “adaptable”, in its ordinary meaning, is defined as “capable of being” or “able to adjust”. The plurality of predetermined steps of these claims are capable of being or able to adjust using the wizard program that is user defined, wherein, the wizard program found in Gauthier teaches customizing the program to carry out any steps desired by the user (Col. 2, lines 45-56 and Col. 15, lines 25-35)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Peck with the teachings of Gauthier to provide a wizard for customized functions, *because* it will allow for users to define the wizard capabilities for configuring a device.

With respect to claim 26, Peck does not explicitly disclose said plurality of predetermined steps comprises a help utility

However, Gauthier discloses wherein said plurality of predetermined steps comprises a help utility (Col. 2, lines 45-56)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Peck with the teachings of Gauthier to provide help utility, *because* it will allow for users to receive assistance with customization of the wizard.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esther Benoit whose telephone number is 571-270-3807. The examiner can normally be reached on Monday through Friday between 7:30 a.m and 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Krista M. Zele can be reached on 571-272-7288. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

E.B.
December 28, 2010

/Krista M. Zele/
Supervisory Patent Examiner, Art Unit 2453